

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA

Plaintiff,

-VS-

**Case No. 1:03-cr-068
also 1:08-cv-133**

-VS-

GEORGE J. FIORINI

Defendant,

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS OF THE CHIEF UNITED STATES MAGISTRATE JUDGE (DOC. #143) IN THEIR ENTIRETY; DEFENDANT'S OBJECTIONS (DOC. #144) TO SAID REPORT AND RECOMMENDATIONS ARE OVERRULED, JUDGMENT TO BE ENTERED IN FAVOR OF PLAINTIFF AND AGAINST DEFENDANT, GEORGE J. FIORINI, DENYING DEFENDANT'S MOTION TO VACATE, SET ASIDE OR CORRECT A SENTENCE, PURSUANT TO 28 U.S.C. 2255 TERMINATING THIS CASE ON THE DOCKET OF THE UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF OHIO, WESTERN DIVISION AT DAYTON AND DENYING ANY PROSPECTIVE REQUEST FOR CERTIFICATE OF APPEALABILITY AND LEAVE TO APPEAL *in forma pauperis*

Defendant has brought this action pro se requesting the Court vacate, set aside or correct a sentence pursuant to 28 U.S.C. §2255. Based upon reasoning and citations of authority set forth in the Chief Magistrate Judge's Report and Recommendations (Doc. #143) as well as upon a thorough de novo review of this Court's file and a thorough review of the applicable law, this Court ADOPTS the aforesaid Report and Recommendations (Doc. #143) in their entirety and in doing so, ORDERS an Entry of Judgment in favor of Plaintiff and against Defendant Fiorini, DENYING Defendant's Request to Vacate, Set Aside or Correct a Sentence and DISMISSING

Defendant's Motion. Defendant's Objections to said judicial filing (Doc. #144) are
OVERRULED.

Based further on the Court's review, this Court also finds that no reasonable jurists would disagree with the Court's conclusions and that Defendant is DENIED any requested certificate of appealability and leave to appeal *in forma pauperis*.

The captioned cause is hereby ORDERED terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division at Dayton.

IT IS SO ORDERED.

Date: May 27, 2008

s/**THOMAS M. ROSE**

JUDGE THOMAS M. ROSE